Appl. No. 09/780,987
Amdt. dated January 14, 2004
Reply to Office Action of July 14, 2003

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## REMARKS/ARGUMENTS

### STATUS OF THE APPLICATION

Claims 1-58 were pending in this application and have been examined. Claims 1-4, 9-13, 21-24, 29, 30, 38-42, 47-50, and 58 are rejected under 35 U.S.C. §102(e) as being unpatentable over Treyz et al. (U.S. Patent 6,587,835 B1, hereinafter "Treyz"). Claims 14-16, 25-28, 31-33, 43-46, and 51-53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Treyz in view of information known to one of ordinary skill in the art at the time of the invention. Claims 5-8, 17-20, 34-37, and 54-57 are rejected under 35 U.S.C. §103(a) as being unpatentable over Treyz in view of Slotznick (U.S. Patent 6,108,640). The specification was objected to for informalities.

Applicants have amended claims 1, 10-13, 22, 30, 39, and 48-50, and added new claims 59-94. Claims 2-9, 14-21, 23-29, 31-38, 40-47, and 51-58 have been canceled without prejudice. The specification has also been amended to correct informalities. Applicants submit that no new subject matter has been introduced by the amendments. Claims 1, 10-13, 22, 30, 39, 48-50, and 59-94 remain pending in this application after filing of this amendment.

### THE SPECIFICATION

Applicants have amended the specification to correct informalities identified by the Examiner and other informalities and typographical errors. Applicants submit that no new subject matter has been introduced by the amendments.

### THE CLAIMS

#### Rejections under 35 U.S.C. § 102(e)

##### Claim 1

Applicants submit that claim 1, as amended, is not anticipated by Treyz. In addition to other features, claim 1, as amended recites:

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1.      . . .

receiving information identifying a first project; and

determining <u>a plurality of purchasable units for the first project, each purchasable unit in the plurality of purchasable units having a brand name, an amount, and a price associated with the purchasable unit</u>. (Applicants' claim 1, as amended, emphasis added)

As recited in claim 1, a plurality of <u>purchasable units</u> is determined for a project. As specified in Applicants' specification starting on pg. 5 line 30, a purchasable unit refers to a unit that can be purchased by a user, e.g., items displayed in a vendor' catalog. Each purchasable unit may also be characterized by one or more attributes such as a specific brand name, an amount (e.g., size, quantity, weight, etc.), a price, a special feature (e.g., unsalted, organic), etc. For example, "Challenge Butter 8oz. $1.19" (depicted in Fig. 12). To further emphasize these features of a "purchasable unit", claim 1 has been amended to specifically recite that <u>each purchasable unit has a brand name, an amount, and a price associated with it</u>.

Purchasable units are substantially <u>different from recipe ingredients or generic items</u>. Unlike purchasable units, ingredients or generic items <u>do not have a brand name and price associated with them</u>. Generic items and ingredients have to be translated to purchasable units before a purchase can be made. Figs. 11 and 12 in the application (and related description) further illustrate the differences between a purchasable unit and an ingredient or generic item. Fig. 11 in the application depicts a web page displaying a recipe for onion tart. The recipe displayed Fig. 11 lists several <u>ingredients</u> (e.g., 1 egg, 1/4 lb sugar, flour, etc.) needed for the recipe--<u>these are *not* purchasable units</u>. The purchasable units corresponding to the recipe ingredients of Fig. 11 (i.e., for the onion tart recipe) are depicted in Fig. 12. As depicted in Fig. 12, purchasable units are displayed characterized by a brand name (e.g., Challenge, Miller's, Gold Medal, etc.), an amount (e.g., dozen, 8oz., 2 lb., etc.) and a price (e.g., $1.19, $0.89, $0.99, etc.). A generic ingredient can map to one or more purchasable units (e.g., different brands, different sizes within each brand, different prices). For example, in Fig. 12, three different purchasable units are displayed for the generic ingredient butter.

Applicants submit that the above described feature of "determining a plurality of purchasable units for the first project, each purchasable unit in the plurality of purchasable units

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having a brand name, an amount, and a price associated with the purchasable unit" is not taught by Treyz. Treyz describes a handheld computing device that can be used to create shopping lists of grocery items or other items (Treyz: cols. 10 and 11). A user may also access a shopping assistance service using the handheld computing device. As described in Treyz in col. 52 lines 16-55 and col. 53 line 40 - col. 54 line 23, as part of the shopping assistance service, one or more recipes and their ingredients can be presented to the user via the handheld computing device. The user can then add the displayed ingredients to the user's shopping list. For example, in Fig. 86 of Treyz, a "spaghetti sauce recipe" 814 is displayed on screen 808. In Fig. 87 a "meat sauce recipe" and its ingredients are displayed. In Fig. 88 a "meat sauce recipe" and its ingredients are displayed and the user can add one or more ingredients to the user's shopping list. In Fig. 92 of Treyz, ingredients of a "southwest chicken recipe" are displayed and the user can add one or more ingredients to the user's shopping list.

Applicants submit that Treyz merely displays <u>generic ingredients</u> of a project (e.g., a recipe) and <u>not purchasable units that have an associated brand name, amount, and price</u> as recited in claim 1. As previously explained, <u>a purchasable unit is substantially different from a generic recipe ingredient</u>. The information displayed by the various screens in Treyz only shows ingredients of a recipe that do not have a brand name, amount, and price associated with them. There is no teaching in Treyz of translating ingredients to purchasable products that have a brand name, amount, and price associated with them. Applicants thus submit that Treyz does not display or determine <u>purchasable units having a brand name, amount, and price,</u> as recited in Applicant's claim 1.

Applicants in fact submit that the recipe information displayed in Treyz is similar to the recipe (e.g., the onion tart recipe) ingredients information displayed in Fig. 11 of the present application. As discussed above, the information depicted in Fig. 11 of the application does <u>not</u> display purchasable units--the corresponding purchasable units are displayed in Fig. 12.

In light of the above, Applicants submit that Treyz does not teach or even suggest the display or determination of purchasable units for projects as recited in claim 1. Applicants thus believe that claim 1 is patentable over Treyz.

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### Claims 10-13, 22, 30, 39, 48-50

Applicants submit that independent claims 22 and 39 should be allowable for at least a similar rationale as discussed for allowing claim 1, and others.

Applicants further submit that dependent claims 10-13 and 59-70 which depend from claim 1, claims 30 and 71-82 which depend from claim 22, and claims 48-50 and 83-94 which depend from claim 39 should also be allowed for at least a similar rationale as discussed above for allowing the independent claims 1, 22, and 39. Applicants further submit that the dependent claims also recite additional features that are not anticipated by Treyz.

### Rejections under 35 U.S.C. § 103(a)

Independent claims 1, 22, and 39, as amended, recite the feature of determining a plurality of purchasable units for the first project, each purchasable unit in the plurality of purchasable units having a brand name, an amount, and a price associated with the purchasable unit. As discussed above, such a concept is not taught or suggested by Treyz.

Further, Applicants submit that such a concept is also not taught or suggested by Slotznick. Slotznick describes apparatus and methods for determining the date of periodic occasions. Slotznick also describes an intelligent agent for executing tasks, wherein at least some of the tasks are date sensitive. (See Slotznick: Summary section, col. 3 line 44 - col. 4 line 37). An example of an intelligent agent which plans and helps cook meals is described in col. 20 line 47 - col. 21, line 15. The intelligent agent prepares a list of ingredients for recipes and also prepares a shopping list for needed ingredients (See Slotznick: col. 20 lines 56-65). As discussed above, purchasable units are quite different from mere ingredients. Like Treyz, Slotznick also fails to teach determination of purchasable units having a brand name, amount, and price associated with them, as recited in Applicants' claims 1, 22, and 39.

Even if Treyz and Slotznick were combined as suggested by the Examiner, and there is no clear suggestion to do this, the resultant combination would still fall short of the present invention as recited in independent claims 1, 22, and 39. The resultant combination would provide a handheld computer system with intelligent agents for displaying ingredients of recipes but not purchasable units as recited in claims 1, 22 and 39.

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A shopper cannot go to an online store (or even a bricks-and-mortar store) and buy a generic item or ingredient such as "16 oz. tomato sauce". The shopper must choose from multiple purchasable units for each generic ingredient. Treyz and Slotznick, or their combination, merely provide a starting point for the shopping process, i.e., generation of a shopping list of generic ingredients, but do not address the translation of generic items to purchasable units that is needed to complete the purchase process.

Applicants thus submit that claims 1, 22, and 39 are not taught or suggested by Treyz and Slotznick, considered individually or in combination.

Applicants further submit that dependent claims 10-13 and 59-70 which depend from claim 1, claims 30 and 71-82 which depend from claim 22, and claims 48-50 and 83-94 which depend from claim 39 are also not taught or suggested by Treyz and Slotznick, considered individually or in combination, for at least a similar rationale as discussed above for allowing the independent claims 1, 22, and 39. Applicants further submit that the dependent claims also recite additional features that are not taught or suggested by Treyz and Slotznick, considered individually or in combination.

New Claims

Applicants have added new claims 59-94 to claim aspects of the present invention. Applicants submit that the new claims are in a condition for allowance.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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